

³ See 47 C.F.R. § 52.15(f)(3)(ii).

which requires U.S. carriers receiving numbering resources from the North American Numbering Plan Administrator (“NANPA”), a Pooling Administrator, or another telecommunications carrier, to report semiannually on their actual and forecast number usage.⁴

3. FullTel responded to the *NAL*, and admitted that it failed to file the NRUF report due September 15, 2000. FullTel nevertheless requests cancellation of the proposed forfeiture, and pledges to file future NRUF reports on a timely basis.

III. DISCUSSION

4. The *NAL* explicitly states that the proposed forfeiture was assessed in accordance with applicable statutory provisions, the Commission’s rules and the Commission’s *Forfeiture Guidelines*.⁵ Section 503(b) of the Act requires that, in examining FullTel’s response, we take into account the nature, circumstances, extent and gravity of the violation, and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require.⁶ FullTel’s response indicates that it receives numbering resources, and thus it was required to file the September 2000 NRUF report.⁷ Although Fulltel contends that its failure to report was an unintentional oversight, a rule violation resulting from an inadvertent mistake or a failure to become familiar with the Commission’s requirements is considered a willful violation.⁸ Moreover, FullTel’s pledge of future compliance does not justify reduction or cancellation of the proposed forfeiture penalty.⁹ We have reviewed Fulltel’s response in light of the statutory factors set forth above, and we affirm the forfeiture.

⁴ *Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking in CC Docket No. 99-200, 15 FCC Rcd 7574 (2000)(“*NRO Order*”); *recon. and clarification in part*, Second Report and Order, Order on Reconsideration in CC Docket 96-98 and CC Docket 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket 99-200, 16 FCC Rcd 306 (2000)(“*NRO Recon. Order*”).

⁵ 47 U.S.C. § 503(b); 47 C.F.R. § 1.80; *The Commission’s Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, 12 FCC Rcd 17087 (1997), *recon. denied*, 15 FCC Rcd 303 (1999)(“*Forfeiture Guidelines*”)(codified at 47 C.F.R. § 1.80(b)(4) Note).

⁶ 47 U.S.C. § 503(b)(2)(D).

⁷ FullTel requests that we provide information concerning filing the NRUF reports. Filing material for FCC Form 502, North American Numbering Plan “Numbering Resource Utilization/Forecast (NRUF) Report” and filing advice can be obtained electronically from the North American Numbering Administrator’s web site <http://www.nanpa.com/nruf/index.html>. The North American Number Administrator may also be contacted by telephone at (202) 533-2654 or 202-533-2657.

⁸ *See, e.g., Puerto Rico Tower Co., Inc.*, 16 FCC Rcd 271 (EB 2001), *citing PBJ Communications of Virginia, Inc.*, 7 FCC Rcd 2088 (1992); *Standard Communications Corp.*, 1 FCC Rcd 358 (1986); *Triad Broadcasting Co., Inc.*, 96 FCC 2d 1235, 1242 (1984).

⁹ *See Station KGVV, Inc.*, 42 FCC 2d 258, 259 (1973). *See also Coleman Enterprises, Inc.*, 16 FCC Rcd 10016, 10,020-21 (2001), *citing Long Distance Services, Inc.*, 13 FCC Rcd 4444 (CCB 1998)(all common carriers are required to comply with the Commission’s rules, regardless of size or resources, and remedial efforts do not alter the fact that violations had taken place or justify mitigation).

IV. ORDERING CLAUSES

5. Accordingly, IT IS ORDERED, pursuant to 47 U.S.C. § 503(b), and 47 C.F.R. § 0.111, 0.311 and 1.80, that FullTel, Inc. FORFEIT to the United States the sum of six thousand dollars (\$6,000) for willfully violating the Commission's rules that require U.S. carriers to report actual and forecast number usage.

6. Payment of the forfeiture may be made by mailing a check or money order, payable to the order of the Federal Communications Commission, to the Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482, within 30 days of the release of this Forfeiture Order.¹⁰ The payment MUST INCLUDE the FCC Registration Number (FRN) referenced above and also should note the NAL/Acct. No. referenced above. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to 47 U.S.C. § 504. A request for payment of the full amount of this Forfeiture Order under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.¹¹

7. IT IS FURTHER ORDERED that a copy of this Forfeiture Order shall be sent by Certified Mail/Return Receipt Requested, to Wallace L. Walcher, Vice President- Acquisitions and Telecommunications, FullTel, Inc., 201 Robert S. Kerr, Suite 210, Oklahoma City, Oklahoma 73102.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

¹⁰ See 47 C.F.R. § 1.80(h).

¹¹ See 47 C.F.R. § 1.1914.